

REFERENCE TITLE: DES; information technology personnel; fingerprints

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2287

Introduced by
Representatives Chase, Hershberger

AN ACT

AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1969; RELATING TO THE DEPARTMENT OF ECONOMIC SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-619.51, Arizona Revised Statutes, is amended to
3 read:

4 **41-619.51. Definitions**

5 In this article, unless the context otherwise requires:

6 1. "Agency" means the supreme court, the department of economic
7 security, the department of education, the department of health services or
8 the department of juvenile corrections.

9 2. "Board" means the board of fingerprinting.

10 3. "Expedited review" means an examination, in accordance with board
11 rule, of the documents an applicant submits by the board or its hearing
12 officer without the applicant being present.

13 4. "Facility" or "program" means state facilities or programs that
14 provide direct services to adults with developmental disabilities or to
15 juveniles.

16 5. "Good cause exception" means the issuance of a fingerprint
17 clearance card to an employee pursuant to section 41-619.55.

18 6. "Person" means a person who is required to be fingerprinted
19 pursuant to any of the following:

20 (a) Section 8-105.

21 (b) Section 8-322.

22 (c) Section 8-509.

23 (d) Section 8-802.

24 (e) Section 15-183.

25 (f) Section 15-534.

26 (g) Section 15-1330.

27 (h) Section 36-411.

28 (i) Section 36-425.03.

29 (j) Section 36-594.01.

30 (k) Section 36-594.02.

31 (l) Section 36-882.

32 (m) Section 36-883.02.

33 (n) Section 36-897.01.

34 (o) Section 36-897.03.

35 (p) Section 36-3008.

36 (q) Section 41-1964.

37 (r) Section 41-1967.01.

38 (s) Section 41-1968.

39 (t) **SECTION 41-1969.**

40 (t) (u) Section 41-2814.

41 (t) (v) Section 46-141, subsection A.

42 (t) (w) Section 46-321.

43 Sec. 2. Section 41-1758, Arizona Revised Statutes, is amended to read:

44 **41-1758. Definitions**

45 In this article, unless the context otherwise requires:

1 1. "Agency" means the supreme court, the department of economic
2 security, the department of education, the department of health services or
3 the department of juvenile corrections.

4 2. "Division" means the fingerprinting division in the department of
5 public safety.

6 3. "Facility or program" means state facilities or programs that
7 provide direct services to adults with developmental disabilities or to
8 juveniles.

9 4. "Good cause exception" means the issuance of a fingerprint
10 clearance card to an employee pursuant to section 41-619.55.

11 5. "Person" means a person who is required to be fingerprinted
12 pursuant to any of the following:

- 13 (a) Section 8-105.
- 14 (b) Section 8-322.
- 15 (c) Section 8-509.
- 16 (d) Section 8-802.
- 17 (e) Section 15-183.
- 18 (f) Section 15-534.
- 19 (g) Section 15-1330.
- 20 (h) Section 36-411.
- 21 (i) Section 36-425.03.
- 22 (j) Section 36-594.01.
- 23 (k) Section 36-594.02.
- 24 (l) Section 36-882.
- 25 (m) Section 36-883.02.
- 26 (n) Section 36-897.01.
- 27 (o) Section 36-897.03.
- 28 (p) Section 36-3008.
- 29 (q) Section 41-1964.
- 30 (r) Section 41-1967.01.
- 31 (s) Section 41-1968.
- 32 (t) SECTION 41-1969.

33 (t) (u) Section 41-2814.

34 (u) (v) Section 46-141, subsection A.

35 (v) (w) Section 46-321.

36 6. "Vulnerable adult" has the same meaning prescribed in section
37 13-3623.

38 Sec. 3. Section 41-1758.01, Arizona Revised Statutes, is amended to
39 read:

40 41-1758.01. Fingerprinting division; duties

41 The fingerprinting division is established in the department of public
42 safety and shall:

43 1. Conduct fingerprint background checks for persons and applicants
44 who are seeking employment with licensees, contract providers and state
45 agencies that require fingerprint background checks pursuant to sections

1 8-105, 8-322, 8-509, 8-802, 15-183, 15-534, 15-1330, 36-411, 36-425.03,
2 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008,
3 41-1964, 41-1967.01, 41-1968, **41-1969** and 41-2814, section 46-141, subsection
4 A and section 46-321.

5 2. Issue fingerprint clearance cards. On issuance, a fingerprint
6 clearance card becomes the personal property of the cardholder and the
7 cardholder shall retain possession of the fingerprint clearance card.

8 3. On submission of an application for a fingerprint clearance card,
9 collect the fees established by the board of fingerprinting pursuant to
10 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
11 monies collected in the board of fingerprinting fund.

12 4. Inform in writing each person who submits fingerprints for a
13 fingerprint background check of the person's right to petition the board of
14 fingerprinting for a good cause exception pursuant to section 41-1758.03.

15 5. Administer and enforce this article.

16 Sec. 4. Title 41, chapter 14, article 1, Arizona Revised Statutes, is
17 amended by adding section 41-1969, to read:

18 **41-1969. Information technology personnel; criminal history**
19 records; definitions

20 A. BEFORE ACCEPTING AN OFFER OF EMPLOYMENT, AN APPLICANT FOR AN
21 INFORMATION TECHNOLOGY POSITION IN THE DEPARTMENT OF ECONOMIC SECURITY SHALL
22 SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT OF ECONOMIC SECURITY FOR
23 THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
24 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DIRECTOR OF THE DEPARTMENT OF
25 ECONOMIC SECURITY SHALL REQUEST PERSONNEL WHO WERE EMPLOYED IN INFORMATION
26 TECHNOLOGY POSITIONS ON OR BEFORE THE EFFECTIVE DATE OF THIS SECTION TO
27 SUBMIT A FULL SET OF FINGERPRINTS IF THE DIRECTOR DETERMINES THAT IT IS
28 NECESSARY TO ASSURE THE PRIVACY, CONFIDENTIALITY OR INTEGRITY OF DATA WITHIN
29 THE DEPARTMENT'S CONTROL. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS
30 FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

31 B. THE DEPARTMENT OF ECONOMIC SECURITY SHALL NOT DISCLOSE INFORMATION
32 OBTAINED PURSUANT TO SUBSECTION A OF THIS SECTION EXCEPT TO MEMBERS OF THE
33 DEPARTMENT'S STAFF SOLELY FOR THE PURPOSE OF EMPLOYMENT OF INFORMATION
34 TECHNOLOGY PERSONNEL BY THE DEPARTMENT.

35 C. FOR THE PURPOSES OF THIS SECTION:

36 1. "APPLICANT" MEANS ANY PERSON WHO SEEKS EMPLOYMENT AS A NEW HIRE OR
37 ANY EMPLOYEE OF THE DEPARTMENT OF ECONOMIC SECURITY WHO SEEKS A TRANSFER, A
38 RECLASSIFICATION OR A REASSIGNMENT TO AN INFORMATION TECHNOLOGY POSITION.

39 2. "INFORMATION TECHNOLOGY POSITION" MEANS ANY POSITION THAT IS WITHIN
40 THE DEPARTMENT OF ECONOMIC SECURITY, THAT REQUIRES THE OPERATION OF COMPUTER
41 SYSTEMS THAT CONTAIN OR TRANSMIT DATA TO WHICH ACCESS IS RESTRICTED BY VIRTUE
42 OF APPLICABLE FEDERAL OR STATE LAWS, RULES OR REGULATIONS AND THAT REQUIRES
43 ACCESS TO THE RESTRICTED DATA IN ORDER TO FULFILL THE REQUIREMENTS OF THE
44 POSITION.

1 Sec. 5. Information technology personnel. department of
2 economic security: valid fingerprint clearance card

3 Notwithstanding section 41-1969, Arizona Revised Statutes, as added by
4 this act, information technology personnel who are employees of the
5 department of economic security on the effective date of this act and who are
6 subject to the requirements of section 41-1969, Arizona Revised Statutes, as
7 added by this act, have until July 1, 2007 to obtain a valid fingerprint
8 clearance card or a good cause exception.